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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,308	03/29/2001	Usman A.K. Sorathia	82,222	7684

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EXAMINER

FEELY, MICHAEL J

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 28

Application Number: 09/822,308
Filing Date: March 29, 2001
Appellant(s): SORATHIA, USMAN A.K.

Jacob Shuster (Reg. No. 19,660)
For Appellant

EXAMINER'S ANSWER

MAILED

SEP - 3 2003

GROUP 1700

This is in response to the appeal brief filed June 27, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 17, 19, and 20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Day et al. Pub. No.: US 2001/0031350 A1 (Pub. Date: October 18, 2001; Filing Date: December 27, 2000).

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 17, 19, and 20 are rejected under 35 U.S.C. 102(e) over Day et al. (US 2001/0031350). This rejection is set forth in prior Office Action, Paper No. 17 (Final Office Action mailed April 9, 2003).

(11) Response to Argument

Applicant argues that Day et al. teach infusion *before* barrier formation is completed. Specifically, Applicant notes, "resin infusion is performed before formation of the panel 30 is completed upon withdrawal thereof from the mold with its outer skin 37 bonded to the inner skins 36." Based upon this argument, Applicant appears to correlate *panel 30* to *the barrier*.

Applicant's interpretation is problematic because *panel 30* in Day et al. is representative of a final composite material – not *the barrier*. Panel 30 includes: reinforced core 31, inner skin 36, adhesive barrier film 41, and outer skin 37 (see paragraph 0058 and Figure 1).

As set forth in the Final Rejection, the claimed barrier correlates to the outer skin 37 of Day et al.; and the claimed substrate correlates to:

- a) a combination of (adhesive barrier film 41)/(inner skin 36)/(reinforced core 31);
- b) a combination of (adhesive barrier film 41)/(inner skin 36);
- c) only the (adhesive barrier film 41);

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d) a combination of (inner skin 36)/(reinforced core 31) with an intermediate (adhesive barrier film 41);

e) only the (inner skin 36) with an intermediate (adhesive barrier film 41).

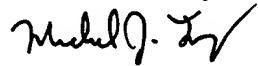
As set forth in Day et al., outer skin 37 is impregnated with fire resistant phenolic resin (paragraph 0057, lines 1-4) while it sits in a closed mold *as part of* panel 30. The infusion step takes place after, "the reinforced core 31, together with the attached inner skins 36, adhesive barrier films 41 and outer skins 37, are placed in a closed mold," (paragraph 0058, lines 1-10) to form the composite panel 30. Although these layers are collectively *formed* to some degree during the molding process, the outer skin 37 is a pre-formed material. Hence, infusion does indeed take place after formation of the outer skin 37.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Michael J. Feely



August 26, 2003

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